APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,975	11/27/2001	Robin L. Parsons	SSBI-P01-003	2850

28120   7590   11/01/2007
ROPES & GRAY LLP
PATENT DOCKETING 39/41
ONE INTERNATIONAL PLACE
BOSTON, MA 02110-2624

EXAMINER
GRAHAM, CLEMENT B

ART UNIT	PAPER NUMBER
3692	

MAIL DATE	DELIVERY MODE
11/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	09/994,975	PARSONS ET AL.
	Examiner	Art Unit	
	Clement B. Graham	3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *8/13/07*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1. Claims 1-23 remained pending.

Claim Rejections - 35 USC § 101

2.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or
> any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
> requirements of this title.

Claims 1, 18-20, and 23, are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Applicant's claims are directed to an algorithm. Specifically, claim 1 recites" receiving "persenting", " storing" , however these steps are mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, for example) and abstract ideas without a practical application are found to be non-statutory subject matter. Therefore, Applicant's claims are non-statutory as they do not produce a useful, concrete and tangible result.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 1-23, are rejected under 35 U.S.C. 102(e) as being anticipated by Parsons et al(Hereinafter US PUB: 2003/0101119A1).

As per claim 1, Parsons discloses a method comprising:

receiving from a data provider a net asset value for a fund owned by a customer;

comparing the net asset value to one or more historical net asset values for the customer to obtain a variance that characterizes a difference between the net asset value and the one

or more historical net asset values (see column 1 para oo12-0014 and column 2-6 para 0015-0052) when the variance is within a tolerance for the net asset value, storing the net asset value in a database; and

when the variance is not within the tolerance for the net asset value values (see column 1 para oo12-0014 and column 2-6 para 0015-0052)

i) presenting a plurality of preset explanations for the variance to*the data provider,

ii) requiring the data provider to select one of the plurality of preset explanations for the variance; and

iii) storing the net asset value and the one of the plurality of preset explanations in the database. values (see column 1 para oo12-0014 and column 2-6 para 0015-0052).

As per claim 2, Parsons discloses wherein the data provider is at least one of a third-party data provider or a fund manger. values (see column 1 para oo12-0014 and column 2-6 para 0015-0052).

As per claim 3, Parsons discloses wherein the tolerance is user-modifiable. values (see column 1 para oo12-0014 and column 2-6 para 0015-0052).

As per claim 4, Parsons discloses wherein the tolerance is a range of acceptable percentage variations. values (see column 1 para oo12-0014 and column 2-6 para 0015-0052).

As per claim 5, Parsons discloses wherein the acceptable percentage variations are based on a month-end to month-end variation in at least one of the Dow Jones Industrial Average or the Standard and Poors 500. values (see column 1 para oo12-0014 and column 2-6 para 0015-0052).

As per claim 6, Parsons discloses wherein the range of acceptable percentage variations is a range of between +/- 5% and +/- 30%. values (see column 1 para oo12-0014 and column 2-6 para 0015-0052).

As per claim 7, Parsons discloses wherein the range of acceptable percentage variations is determined relative to the one or more historical net asset values. values (see column 1 para oo12-0014 and column 2-6 para 0015-0052).

As per claim 8, Parsons discloses wherein the range of acceptable percentage variations is determined relative to the received net asset value. values (see column 1 para oo12-0014 and column 2-6 para 0015-0052).

As per claim 9, Parsons discloses wherein the tolerance is a range of acceptable absolute variations. values (see column 1 para oo12-0014 and column 2-6 para 0015-0052).

As per claim 10, Parsons discloses wherein the range of acceptable absolute variations is a range of between +/- $100 million and +/- $2 billion. values (see column 1 para oo12-0014 and column 2-6 para 0015-0052).

As per claim 11, Parsons discloses wherein the tolerance is an asymmetrical range of acceptableElf variations. values (see column 1 para oo12-0014 and column 2-6 para 0015-0052).

As per claim 12, Parsons discloses wherein a tolerance is determined individually for each one of a plurality of different funds owned by the customer. values (see column 1 para oo12-0014 and column 2-6 para 0015-0052).

As per claim 13, Parsons discloses wherein the tolerance is adjusted according to a market condition. values (see column 1 para oo12-0014 and column 2-6 para 0015-0052).

As per claim 14, Parsons discloses wherein the plurality of preset explanations for the variance includes at least one of asset transfers, benefit payments, incorrect prior month values, cash influxes, cash withdrawals, collateral NAV changes, contributions, conversions,closing of funds, merger of funds, supplied and client verified NAVs, derivative fluctuations, changes in security market values, expenses, fund mergers, holding accounts, liquidation of partial assets, new money from shareholders, creation of a new fund, shareholder distributions, shareholder redemptions, shareholder subscriptions, trading activities, favorable or unfavorable exchange rates, or valid zero asset balances. values (see column 1 para oo12-0014 and column 2-6 para 0015-0052).

As per claim 15, Parsons discloses wherein the preset explanations are edited by an authorized user. values (see column 1 para oo12-0014 and column 2-6 para 0015-0052).

As per claim 16, Parsons discloses wherein receiving a net asset value for a fund further comprises receiving at least one of a spreadsheet, a comma delimited file, or a tab delimited file that contains the net asset value. values (see column 1 para oo12-0014 and column 2-6 para 0015-0052).

As per claim 17, Parsons discloses wherein receiving a net asset value for a fund further comprises receiving a net asset value that is manually entered through a user interface. values (see column 1 para oo12-0014 and column 2-6 para 0015-0052).

As per claim 18, Parsons discloses a computer program product comprising: computer executable code for receiving from a data provider a net asset value for a fund owned by a customer;computer executable code for comparing the net asset value to one or more historical net asset values for the customer to obtain a variance that characterizes a difference between the net asset value and the one or more historical net asset values values (see column 1 para oo12-0014 and column 2-6 para 0015-0052)

computer executable code for storing the net asset value in a database when the variance is within a tolerance for the net asset value; and

computer executable code for, when the variance is not within the tolerance for the net asset value

:i) presenting a plurality of preset explanations for the variance to the data provider,

ii) requiring the data provider to select one of the plurality of preset explanations for the variance; and

iii) storing the net asset value and the one of the plurality of preset explanations in the database. values (see column 1 para oo12-0014 and column 2-6 para 0015-0052).

As per claim 19, Parsons discloses a system comprising:

means for receiving from a data provider a net asset value for a fund owned by a customer,means for comparing the net asset value to one or more historical net asset values for the customer to obtain a variance that characterizes a difference between the net asset value and the one or more historical net asset values values (see column 1 para oo12-0014 and column 2-6 para 0015-0052)

means for storing the net asset value in a database when the variance is within a tolerance for the net asset value; and

means for, when the variance is not within the tolerance for the net asset value:

i) presenting a plurality of preset explanations for the variance to the data 5 provider,

ii) requiring the data provider to select one of the plurality of preset explanations for the variance; and

iii) storing the net asset value and the one of the plurality of preset explanations in the database. values (see column 1 para oo12-0014 and column 2-6 para 0015-0052).

As per claim 20, Parsons discloses a system comprising:

a database having storage for financial data for one or more funds owned by a customer, the financial data for the one or more funds including one or more historical net asset values for the one or more funds;a client device connected in a communicating relationship with a network, the client device receiving fund data relating to the one or more funds, the fund data including a new net asset value for at least one of the one or more funds values (see column 1 para oo12-0014 and column 2-6 para 0015-0052)

a server connected in a communicating relationship with the database and the client device, the server receiving the fund data from the client device and executing a process to compare the new net asset value to the one or more historical net asset values, the process further configured to present a plurality of preset explanations to the client device when a variance between the new net asset value and the one or more historical net asset values exceeds a tolerance, and, when the tolerance is exceeded, further configured to store the new net asset value only when a selected one of the plurality of preset explanations has been received from the client device. values (see column 1 para oo12-0014 and column 2-6 para 0015-0052).

As per claim 21, Parsons discloses the server fiu̅ther configured to present a user interface to a second client device, the user interface providing controls for adding, deleting, or modifying one of the plurality of preset explanations. values (see column 1 para oo12-0014 and column 2-6 para 0015-0052).

As per claim 22, Parsons discloses the server further configured to present a user interface to a second client device, the user interface providing controls for modifying the tolerance. values (see column 1 para oo12-0014 and column 2-6 para 0015-0052).

As per claim 23, Parsons discloses a method comprising:

receiving a value for a measurement from a data provider;

comparing the value to one or more historical values for the measurement to obtain a variance that characterizes a difference between the value and the one or more historical values; when the variance is within a tolerance for the value, storing the value in a database; and when the variance is not within the tolerance for the value values (see column 1 para oo12-0014 and column 2-6 para 0015-0052)

i) presenting a plurality of preset explanations for the variance to the data provider,

ii) requiring the data provider to select one of the plurality of preset explanations for the variance; and

iii) storing the net asset value and the one of the plurality of preset explanations in the database. values (see column 1 para oo12-0014 and column 2-6 para 0015-0052).
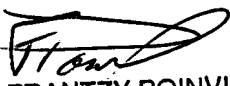
Conclusion

5. Aplicant's arguments filed 8/13/07 has been fully considered but they are moot in view of new grounds rejections.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 571-272-6795. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

FRANTZY POINVIL
PRIMARY EXAMINER
Au 3692

CG
March 27, 2007